



**US Army Corps
of Engineers**



NEWS RELEASE

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Agencies Release Final Environmental Impact Statement About Mountaintop Mining Activities in Appalachia

WASHINGTON D.C. -- Today, federal and state agencies released a final programmatic environmental impact statement (EIS) that can lead to enhanced protection for Appalachian streams and other environmental resources in West Virginia, Kentucky, Virginia, Tennessee and surrounding states where mountaintop mining occurs.

The preferred alternative in the programmatic EIS contains actions that could enhance protection for human health and the environment. This preferred alternative supports the potential for federal and state agencies continuing to work together toward reducing environmental impacts by:

- Assessing aquatic ecosystem restoration and mitigation methods for mined lands and undertaking demonstration projects;
- Evaluating the effects of mountaintop mining on stream chemistry and biology;
- Working with states to refine the science-based protocols for assessing the ecological functions and making permit decisions and establishing mitigation requirements;
- Working with interested stakeholders to develop a best management practices manual for restoration or replacement of aquatic resources;
- Developing guidance, policies or rulemaking for consistent definitions of stream characteristics as well as field methods for delineating those characteristics; and
- Incorporating mitigation and compensation monitoring plans into permit inspection schedules and establishing financial liability (e.g., bonding sureties) to ensure that reclamation and compensatory mitigation projects are completed successfully.

"This programmatic EIS demonstrates approaches to collaborative decision-making based on sound science with a watershed approach. We examined ways to improve the application and permitting process to reduce harmful environmental impacts to bring on-the-ground results," the participating agencies said.

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Unlike a project EIS, a programmatic EIS is not a blueprint for actions on a site-specific basis. This programmatic EIS clarifies lines of responsibility among the agencies to improve compliance and enforcement of the Clean Water Act (CWA) and the Surface Mining Control and Reclamation Act (SMCRA).

The agencies included in today's action are: the U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; Office of Surface Mining and West Virginia Department of Environmental Protection.

The geographic area covered in this final programmatic EIS includes unique and essential habitat that is vital to both the region and the nation. This region also produces cleaner-burning low sulfur coal that will help the nation meet its energy needs.

The area that is affected by this programmatic EIS spans about 12 million acres and includes most of eastern Kentucky, southern West Virginia, western Virginia and scattered areas of east Tennessee.

The programmatic EIS compiled existing scientific data and generated new information through more than 30 studies of mountaintop mining and resulting valley fills. The agencies addressed and considered all public comments, which are included in the final document.

In addition to the actions outlined in the document, closer coordination by these agencies in recent years have resulted in many on-the-ground improvements and environmental protections as a part of the on-going regulatory process in Appalachia.

Separate and apart from development of this final programmatic EIS, the agencies have undertaken a number of actions that result in further reduction of environmental impacts from mountaintop mining and valley fill activities.

For instance, the Corps, EPA, Fish and Wildlife Service and Office of Surface Mining signed the February 2005 National Alternative Joint Permitting Memorandum of Understanding (MOU) to complement past and ongoing coordination efforts relating to surface coal mining operations.

This national MOU encourages, to the extent possible, further collaboration during the permitting process and provides headquarters-level guidance on available regulatory program approaches among the various field level agencies' operations in coal-producing states across the nation.

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The Office of Surface Mining oversight of three Appalachian states' implementation of the approximate original contour (AOC) provisions of SMCRA, and issuance of a post mining land use policy led several Appalachian states to develop standards that are contributing to reducing stream impacts and increasing reforestation.

The Corps developed a stream assessment protocol that is proven effective in providing consistency in stream assessments and predictability for CWA Section 404 permit applicants throughout eastern Kentucky. The Corps is taking steps toward expansion of the protocol to other areas of Appalachia and the nation.

The final programmatic EIS is available by mail and can be viewed on the Internet at <http://www.epa.gov/region3/mtntop/index.htm> The mailing address for requesting copies is: US EPA (3EA30), Attn: MTM/VF FPEIS Request, 1650 Arch St., Philadelphia, PA 19103. The FPEIS can also be viewed at local offices of the agencies and at selected local libraries.

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Additional information is also available from David Hewitt of the Corps of Engineers at (202) 761-4826, Dale Kemery at (202) 564-7839 or Bonnie Smith of EPA at (215) 814-5543, Diana Weaver of the Fish and Wildlife Service at (413) 253-8329, Mike Gauldin of the Office of Surface Mining at (202) 208-2565, or Jessica Greathouse of the West Virginia Department of Environmental Protection at (304) 926-0499, ext: 1549.